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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 61]

[FRL 684-3]

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Proposed Amendments to Asbestos Standard

Notice is hereby given that under the authority of section 112 of the Clean Air Act, as amended, the Administrator is proposing to amend the national emission standard for asbestos.

SUMMARY OF PROPOSED AMENDMENTS

The proposed amendments would extend coverage of the demolition and renovation provisions (40 CFR 61.22(d)) to all materials which are friable and contain more than one percent asbestos by weight. The current provisions apply only to insulation and fireproofing materials. The proposed amendments similarly would extend the coverage of the asbestos spraying provisions (40 CFR 61.22(e)) by prohibiting all materials sprayed on buildings, structures, structural members, pipes and conduits which contain more than one percent asbestos by weight. The proposed amendments specify that materials sprayed on structural members are covered.

DISCUSSION

On April 6, 1973, under Section 112 of the Clean Air Act, as amended, the Administrator promulgated the national emission standard for asbestos. Amendments to this standard were promulgated on May 3, 1974 (39 FR 15396) and on October 14, 1975 (40 FR 48292). One of the provisions of the standard limits asbestos emissions from the spraying of materials to insulate or fireproof buildings, structures, pipes and conduits. The standard prohibits the use of such materials which contain more than one percent asbestos on a dry weight basis. At the time the standard was promulgated, EPA did not know of uses other than fireproofing and insulation for asbestos-containing spray-on materials that were major sources of asbestos emissions during application or later removal through renovation or demolition. Recently it has come to EPA's attention that certain types of decorative spray-on materials which contain from 29 to 64 percent asbestos by weight have been sprayed on ceilings in residential buildings and may be applied in the same manner in the future. These materials are sometimes friable and therefore would be a major source of asbestos emissions during renovation and demolition operations. The use of such spray-on materials is considered a major source of asbestos emissions because: (1) There are asbestos emissions resulting from over-spray during the spray-on application of such materials which could be emitted to the atmosphere directly and cause exposure to the general public; (2) this over-spray

material could contaminate the building ventilation air and therefore pose a health hazard to persons who breathe it; (3) the spray-on materials may deteriorate with time and thereby contaminate the ventilation air when they fall off points of application; and (4) if the materials become friable after application, they would cause asbestos emissions to the atmosphere when the building or structure is renovated or demolished.

For these reasons EPA is proposing to prohibit the spraying of all materials which contain asbestos in excess of one percent by weight on buildings, structures, structural members, pipes, and conduits. This prohibition includes spray-on application of paints, decorative sprays, and weatherproofing.

An amendment is also being proposed which would extend the coverage of the demolition and renovation provisions to include the proper removal of all friable materials which contain in excess of one percent asbestos prior to renovation or demolition of buildings, structures, facilities, or installations. Currently, the standard applies only to the removal of fireproofing or insulation which is friable and contains greater than one percent asbestos. Proper removal of such materials is considered necessary to reduce asbestos emission during renovation and demolition operations to a minimum.

EPA feels that it is urgent that the persons or firms who still apply or manufacture asbestos-containing spray-on materials be advised as early as possible of EPA's intent to regulate such application and of the potential hazard associated with the use of such products. In order to fully investigate all aspects and possible impacts of the proposed amendments, EPA is requesting that all interested persons submit factual information related to the proposed requirements during the comment period. Factual information is specifically requested on the following areas of interest:

1. Information about spray-on materials which contain greater than one percent asbestos by weight; asbestos substitutes for use in spray-on materials; the availability of spray-on materials which contain less than one percent asbestos; and technical and economic impacts which could result from implementing the proposed amendments.

2. Information concerning the magnitude of potential emissions of asbestos during spray application of asbestos-containing materials; methods of reducing emissions of asbestos during application; and the friability of spray-on materials after they have been applied.

3. Information on the renovation or demolition of buildings, structures, facilities, or installations which contain friable asbestos materials (containing greater than one percent asbestos); and methods of removal and wetting of the friable asbestos materials.

It is expected that the requested information will allow EPA to assess the economic effects and technical aspects of the proposed requirements. The final

amendments will reflect the conclusions drawn from evaluation of all available factual information. EPA will limit the scope of coverage of the final amendments if the data obtained during the comment period justify such a change.

The proposed amendments are as follows:

1. The definitions of the terms "renovation," "removing," and "stripping" would be changed by deleting the phrases "to insulate or fireproof" and "for insulation or fireproofing." This would broaden the applicability of the terms to cover all friable asbestos materials.

2. The paragraphs under the demolition and renovation provisions would be changed by deleting the phrases "insulated or fireproofed," "insulate or fireproof," "insulation and fireproofing," "insulation or fireproofing," and the word "insulate." This would broaden the applicability of the provisions to cover all friable asbestos materials.

3. The spraying provision would be changed by deleting the phrase "to insulate or fireproof." This would broaden the applicability of the spraying regulation to cover the spraying of all asbestos-containing materials.

PUBLIC PARTICIPATION

Interested persons may participate in this rulemaking by submitting written comments (in triplicate) to the Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin. The Administrator will welcome comments on all aspects of the proposed amendments. All relevant comments received on or before May 2, 1977, will be considered. Comments received will be available for public inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, SW., Washington, D.C. 20460.

OTHER ACTION

Elsewhere in this issue of the FEDERAL REGISTER, EPA is issuing a final rulemaking action which clarifies that the renovation and demolition provisions of the asbestos standard apply to materials which contain greater than one percent asbestos, are friable, and were used for fireproofing or insulation on non-load-supporting structural members, such as some ceilings and walls, as well as on load-supporting structural members. This amendment consists of adding a definition for the term "structural member."

(Sec. 112, Clean Air Act as added by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1686 (42 U.S.C. 1857c-7); sec. 114, Clean Air Act, as added by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1687, and amended by Pub. L. 93-310, sec. 6(a) (4), 88 Stat. 269 (42 U.S.C. 1857c-9); sec. 301(a), Clean Air Act, as amended by sec. 15(c) (2) of Pub. L. 91-604, 84 Stat. 1713 (42 U.S.C. 1857g(a)).)

Dated: February 23, 1977.

JOHN QUARLES,
Acting Administrator.

It is proposed to amend Part 61 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart B—National Emission Standard for Asbestos

1. Section 61.21 is amended by revising paragraphs (m), (q) and (r) to read as follows:

§ 61.21 Definitions.

(m) "Renovation" means the removing or stripping of friable asbestos materials used on any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member. Operations in which load-supporting structural members are wrecked or taken out are excluded.

(q) "Removing" means taking out friable asbestos materials used on any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member from any building, structure, facility, or installation.

(r) "Stripping" means taking off friable asbestos materials from any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member.

2. Section 61.22 is amended by revising paragraphs (d), (d) (1) (i), (d) (1) (ii), (d) (2) (iii), (d) (4) (i), (d) (4) (ii), (d) (4) (iii), (d) (4) (iv), (e), and (e) (2) to read as follows:

§ 61.22 Emission standard.

(d) *Demolition and renovation.* The requirements of this paragraph shall apply to any owner or operator of a demolition or renovation operation who intends to demolish any institutional, commercial, or industrial building (including apartment buildings having more than four dwelling units), structure, facility, installation, or portion thereof which contains any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member that is covered or coated with friable asbestos materials, except as provided in paragraph (d) (1) of this section; or who intends to renovate any institutional, commercial, or industrial building, structure, facility, installation, or portion thereof where more than 80 meters (ca. 260 feet) of pipe covered or coated with friable asbestos materials are stripped or removed, or more than 15 square meters (ca. 160 square feet) of friable asbestos materials used to cover

or coat any duct, boiler, tank, reactor, turbine, furnace, or structural member are stripped or removed.

(1) (A) The owner or operator of a demolition operation is exempted from the requirements of this paragraph: *Provided*, (a) The amount of friable asbestos materials in the building or portion thereof to be demolished is less than 80 meters (ca. 260 feet) used on pipes, and less than 15 square meters (ca. 160 square feet) used on any duct, boiler, tank, reactor, turbine, furnace, or structural member, and (B) the notification requirements of paragraph (d) (1) (ii) are met.

(ii) Written notification shall be postmarked or delivered to the Administrator at least 20 days prior to commencement of demolition and shall include the information required by paragraph (d) (2) of this section, with the exception of the information required by paragraphs (d) (2) (iii), (vi), (vii), (viii), and (ix) of this section, and shall state the measured or estimated amount of friable asbestos materials which is present. Techniques of estimation shall be explained.

(2) (iii) Description of the building, structure, facility, or installation to be demolished or renovated, including the size, age, and prior use of the structure, and the approximate amount of friable asbestos materials used.

(i) Friable asbestos materials, used on any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member, shall be removed from any building, structure, facility or installation subject to this paragraph. Such removal shall occur before wrecking or dismantling of any portion of such building, structure, facility, or installation that would break up the friable asbestos materials and before wrecking or dismantling of any other portion of such building, structure, facility, or installation, that would preclude access to such materials for subsequent removal. Removal of friable asbestos materials used on any pipe, duct, or structural member which are encased in concrete or other similar structural material is not required prior to demolition, but such materials shall be adequately wetted whenever exposed during demolition.

(ii) Friable asbestos materials used on pipes, ducts, boilers, tanks, reactors, turbines, furnaces, or structural members shall be adequately wetted during strip-

ping, except as provided in paragraphs (d) (4) (iv), (d) (4) (vi), or (d) (vii) of this section.

(iii) Pipes, ducts, boilers, tanks, reactors, turbines, furnaces, or structural members that are covered or coated with friable asbestos materials may be taken out of any building, structure, facility, or installation subject to this paragraph as units or in sections provided the friable asbestos materials exposed during cutting or disjoints are adequately wetted during the cutting or disjoints operation. Such units shall not be dropped or thrown to the ground, but shall be carefully lowered to ground level.

(iv) The stripping of friable asbestos materials used on any pipe, duct, boiler, tank, reactor, turbine, furnace, or structural member that has been removed as a unit or in sections as provided in paragraph (d) (4) (iii) of this section shall be performed in accordance with paragraph (d) (4) (ii) of this section. Rather than comply with the wetting requirement, a local exhaust ventilation and collection system may be used to prevent emissions to the outside air. Such local exhaust ventilation systems shall be designed and operated to capture the asbestos particulate matter produced by the stripping of friable asbestos materials. There shall be no visible emissions to the outside air from such local exhaust ventilation and collection systems except as provided in paragraph (f) of this section.

(e) *Spraying.* There shall be no visible emissions to the outside air from the spray-on application of materials containing more than 1 percent asbestos, on a dry weight basis, used on equipment and machinery, except as provided in paragraph (f) of this section. Materials sprayed on buildings, structures, structural members, pipes, and conduits shall contain less than 1 percent asbestos on a dry weight basis.

(2) Any owner or operator who intends to spray asbestos materials which contain more than 1 percent asbestos on a dry weight basis on equipment and machinery shall report such intention to the Administrator at least 20 days prior to the commencement of the spraying operation. Such report shall include the following information: * * *

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